



Top Stories

3/28/17—President Donald Trump issued an Executive Order (EO) entitled '[Promoting Energy Independence and Economic Growth](#),' many of the actions described in the EO either begin a formal administrative process to review and potentially revise regulations, or rescind climate related actions taken by President Barack Obama. The order directs EPA to review the [Clean Power Plan](#) Final Rule, and a similar [rule](#) which sets standards for new power plants. The order lifts a [moratorium on new coal leases](#), directs the Bureau of Land Management to review both its [2015 hydraulic fracturing final rule](#), and its [2016 methane venting and flaring rule](#), and directs the Environmental Protection Agency (EPA) to review a [2016 final rule](#) which set new emission standards for the oil and gas sector for new, reconstructed and modified sources. For more information on the order see [NCSL's Info Alert](#).

3/27/17—The president signed [H.J. Res 44](#), repealing [BLM's Resource Management Planning rule](#), better known as Planning 2.0. The [Congressional Review Act](#) (CRA) joint resolution was passed by the House, [234-186](#), and the Senate, [51-48](#). The rule aimed to update and streamline the agency's process for creating land use plans, and would have enabled BLM to more "readily address resources issues at a variety of scales, such as wildfire, wildlife habitat, appropriate development, or the demand for renewable and non-renewable energy sources, and to respond more effectively to change." For more information on how the CRA is utilized see [NCSL's Blog](#).

3/24/17—Under Secretary of State for Political Affairs Thomas A. Shannon, Jr, [issued](#) a presidential permit to TransCanada Keystone Pipeline L.P., authorizing the construction, connection, operation, and maintenance of the Keystone XL

Pipeline. The authorization follows a presidential memorandum, which [instructed](#) the Department of State to expedite the review of TransCanada's application for a presidential permit. Additionally, a White House spokesperson [indicated](#) that the Keystone XL Pipelines won't have to comply with the [late January Presidential Memorandum](#), which requires U.S. steel be used in "all new pipelines, as well as retrofitted, repaired, or expanded pipelines," inside the U.S., "to the maximum extent possible. Secretary of State Rex Tillerson [recused](#) himself from any decisions related to TransCanada Corp's application.

3/16/17—The Office of Management and Budget (OMB) [released](#) the President's 2018 Budget Blueprint. The Blueprint requests \$11.6 billion for the Department of Interior (DOI), a \$1.5 billion, or 12 percent decrease from the 2017 annualized continuing resolution (CR) level; \$5.7 billion for EPA, a \$2.6 billion, or 31 percent decrease from the 2017 annualized CR level; \$17.9 billion for the U.S. Department of Agriculture (USDA), a \$4.7 billion, or 21 percent decrease from the 2017 annualized CR level; \$28.0 billion for the Department of Energy (DOE), a \$1.7 billion, or 5.6 percent decrease from the 2017 annualized CR level; and \$16.2 billion for the Department of Transportation (DOT), a \$2.4 billion, or 13 percent decrease from the 2017 annualized CR level. Click [here](#) to access the budget brief published by Federal Funds Information for States.

3/13/17—The president [issued](#) an EO directing each federal agency to report within 180 days to OMB a reorganization plan "to improve the efficiency, effectiveness, and accountability of that agency." The OMB director would then present recommendations to both the president and Congress to "eliminate unnecessary agencies, components of agencies, and agency programs" after soliciting public input, and considering if

certain functions could be better performed by the private sector or states. In a separate [memo](#) to agencies, the White House instructed agencies to “pay careful attention to” the principles and requirements identified in EO 13771, which directs agencies to identify two rules for repeal for every new rule they plan to issue, when submitting regulatory agenda items in the *Unified Agenda of Federal Regulatory and Deregulatory Actions*. Additionally, the president [issued](#) an EO on Feb. 24, calling upon each agency to designate an agency official as its Regulatory Reform Officer who will oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. That order would also establish a Regulatory Reform Task Force which would evaluate regulations and make recommendations regarding their repeal, replacement or modification.

3/8/17—The American Society of Civil Engineers released its 8th [Infrastructure Report Card](#), which provides a comprehensive assessment of the nation’s 16 major infrastructure categories. Cumulatively the nation’s infrastructure received a D+, with rail receiving the highest grade of a B, and transit receiving the lowest grade of a D-.

3/27/17—USDA’s Animal and Plant Health Inspection Service (APHIS) [confirmed](#) the presence of presumptive low pathogenic avian influenza (LPAI) in Georgia, making it the fourth state to have confirmed LPAI this year. Alabama, Kentucky and Wisconsin have all had confirmed LPAI cases. APHIS also [confirmed](#) two cases of highly pathogenic avian influenza (HPAI) in a commercial chicken flock in southeastern Tennessee.

3/6/17—The Federal Energy Regulatory Commission (FERC) [announced](#) that it will host a technical conference to foster further discussion of regional solutions in the Eastern RTOs/ISOs that reconcile the competitive market framework with the increasing interest by states to support particular resources or resource attributes.

3/2/17—Rick Perry was confirmed, [62-37](#), as the 14th Secretary for DOE. Perry formerly [served](#) as the 47th Governor of Texas.

3/1/17—[Ryan Zinke](#) was confirmed to serve as the 52nd Secretary of DOI, [68-31](#). Zinke served for 23 years as a U.S. Navy Seal, was a Montana State Senator, and was elected to serve in the U.S. House of Representatives in 2014.

2/28/17—The president [issued](#) an EO to begin the process of reviewing, and possibly rescinding, the EPA’s and the U.S. Army Corps of Engineers (USACE) [Clean Water Rule: Definition of Waters of the United States](#). Any changes to the rule, or even its removal, will require EPA and USACE to follow the [Administrative Procedures Act](#) that necessitates the use of notice and comment periods. For more information, see [NCSL’s Info Alert](#).

2/27/17—Wilbur Ross was confirmed, [72-27](#), as Secretary of the U.S. Department of Commerce. Ross formerly headed Rothschild Inc., and started the investment firm WL Ross & Co.

From Congress

3/16/17—In a letter led by Senators Chuck Grassley (R-Iowa), and Amy Kloubuchar (D-Minn), a group of 23 bipartisan Senators [asked](#) the White House not to change which companies must comply with the Renewable Fuel Standard, as “such changes are unwarranted and indefensible.”

3/22/17—The Senate Environment and Public Works Committee [approved](#) a bipartisan bill to revamp federal licensing of advanced reactors. [S. 512](#), the Nuclear Energy Innovation and Modernization Act, passed committee with a vote of 18 to 3.

3/20/17—Chairman Walden of the House Energy and Commerce, and Subcommittee Chair Shimkus [sent](#) a letter to Department of Energy Secretary Perry regarding the nation’s nuclear waste management policy.

3/1/17—[The Searching for and Cutting Regulations That Are Unnecessarily Burdensome \(SCRUB\) Act](#) passed the House of Representatives, [240—185](#). The bill establishes a temporary commission of nine people, picked by the president and confirmed by the Senate, to review rules older than 15 years that may be outdated, or unnecessary and may be repealed.

The bill authorizes \$30 million for five years, and aims to repeal 15 percent of all rules published in the *Federal Register*.

From the Administration

3/24/17—DOI's Office of Natural Resources Revenue [requested](#) a temporary stay in *Cloud Peak Energy Inc., et al., v. United States Department of Interior, et al.*, stating the agency's plan to the [2017 valuation rule](#) for coal, oil, and natural gas on federal lands. This action comes a month after the agency [stayed](#) the rule in February. The rule was aimed at putting an end to "self-dealing."

3/22/17—The Fish and Wildlife Service (FWS) [listed](#) the rusty patched bumblebee as an endangered species under the Endangered Species Act of 1973. The listing was delayed from Feb. 10 to Mar. 21 in accordance with [the White House memo](#) on Jan. 20, temporarily postponing the effective date for 60 days of any regulations that have been published in the Federal Register but have yet taken effect for the purpose of review.

3/21/17—USDA [announced](#) over \$6 million in funding to aid private farmers, ranchers and forest landowners affected by wildfires in Kansas, Oklahoma and Texas. Funds are made available by the USDA's Natural Resources Conservation Service (NRCS) through the Environmental Quality Incentives Program (EQIP) which will assist local producers as they begin to restore scorched grazing land, rebuild fencing, protect damaged watersheds, and implement various conservation measures to mitigate losses.

3/20/17—DOE delayed the effective dates for a series of regulations—final rules for [ceiling fan efficiency](#) and certain [federal residential building energy standards](#) are delayed until Sept. 30; and test procedures associated with [compressors](#), [central air conditioners](#), and [walk-in coolers and freezers](#) have been postponed until late June/early July. While the effective dates have changed, the dates by which manufacturers must begin selling products that meet the new standards remains the same.

3/17/17—EPA [released](#) a final report from its Science Advisory Panel that found the information the agency used to determine the carcinogenic potential of glyphosate to humans showed no reliable link between the pesticide and cancer. However, the group could not reach a consensus on whether it was linked to non-Hodgkin's lymphoma (NHL), and recommended the agency revise its conclusions to state that the "agency cannot exclude," the "positive associations between glyphosate, and the risk of NHL." EPA is scheduled to publish the draft glyphosate human health and ecological risk assessments for public comment later this year.

3/15/17—Secretary Zinke [announced](#) the approval for a \$22 million coal lease on the Greens Hollow tract in central Utah to Canyon Fuel Company, LLC. This lease did not fall under the moratorium [issued](#) in Jan. 2016, as pending leases that already completed an environmental analysis under the National Environmental Policy Act and received a final Record of Decision or Decision Order by a federal agency under the existing regulations were exempted.

3/15/17—BLM [asked](#) the 10th Circuit Court of Appeals to place *State of Wyoming et al v. Zinke et al*, and *State of Wyoming et al v. DOI* on hold while the agency rewrites the 2015 final rule, "[Oil and Gas, Hydraulic Fracturing on Federal and Indian Lands](#)." The motion states that the rule does not "reflect the policies and priorities of the new Administration," and announced BLM's plans to rescind the rule within the next 90 days.

3/15/17—EPA [approved](#) an emergency exemption for the use of streptomycin as a pesticide on Florida's citrus trees, aimed at combating citrus greening. USDA predicted Florida's orange harvest to be just 67 million boxes, nearly half of what it was five years ago.

3/16/17—The Bureau of Ocean Energy Management (BOEM) [announced](#) the completion of the nation's seventh competitive lease sale for renewable energy in federal waters. A Wind Energy Area of 122,405 acres offshore Kitty Hawk, North Carolina received a high bid of \$9,066,650 from Avangrid Renewables, LLC.

3/8/17—The U.S. Department of Justice filed a motion with the U.S. Supreme Court, seeking to stay the briefing schedule in [National Association of Manufacturers v. Department of Defense](#) in light of [Executive Order 13778](#), which called upon the EPA and the Army Corps of Engineers (USACE) to begin the process of reviewing, and potentially rescinding the [Clean Water Rule: Definition of 'Waters of the United States'](#).

3/8/17—EPA Administrator Pruitt, in an address to the IHS Markit CERAWEEK conference attendees, [stated](#) that the agency needed more discussion before it could consider establishing methane emissions rules for oil and gas fields. The statement was issued following a [letter](#) sent by Democrats on the House Committee on Natural Resources regarding his move earlier in the week to withdraw an information collection request it sent to industry.

3/7/17—USDA's Agricultural Marketing Service (AMS) [announced](#) \$60 million in the Specialty Crop Block Grant Program to support farmers growing fruits, vegetables, tree nuts and nursery crops. Applications for grants by states is June 7.

3/2/17—Scientists at the U.S. Geological Survey (USGS) [released](#) a one-year seismic hazard forecast for the central and eastern United States from induced and natural earthquakes. The forecast indicated a decrease in the risk from man-made earthquakes in Oklahoma and Texas, as companies have slowed oil field wastewater disposal. The report indicates that the number of people considered to be at an elevated risk from man-made earthquakes dropped from 7 million in 2016, to 3.5 million.

2/22/17—USDA [awarded](#) \$103 million in FY 2017 for disaster recovery efforts under the Emergency Watershed Protection Program. Funding will be available for Louisiana, Florida, Georgia, and South Carolina.

Other

3/21/17—The U.S. Supreme Court [upheld](#) the Federal Vacancies Reform Act, 6-2, affirming

that an individual who is nominated to serve as an official in a position which requires Senate confirmation, cannot also serve as the acting nominee.